

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/22/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<b><u>FINAL ORDER OF</u></b>
	:	<b><u>FORFEITURE</u></b>
-v.-	:	
	:	22 Cr. 329 (MKV)
JOSE RIVERA,	:	
	:	
Defendant.	:	
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WHEREAS, on or about January 5, 2023, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property (D.E. 21), which ordered the forfeiture to the United States of all right, title and interest of JOSE RIVERA (the “Defendant”) in the following property:

- i. One 9mm pistol, seal no.: 252150, seized on or about January 11, 2022 at the time of the Defendant's arrest in New York, NY;
- ii. One 9mm pistol, seal no.: 252188, seized on or about January 11, 2022 at the time of the Defendant's arrest in New York, NY;
- iii. One Palymer 80 caliber 9mm pistol, seal no.: 252197, seized from the Defendant's residence in New York, NY, on or about January 11, 2022 pursuant to a search warrant issued under number 22 Mag. 281;
- iv. One 9mm pistol, seal no.: 252185, seized from the Defendant's residence in New York, NY, on or about January 11, 2022 pursuant to a search warrant issued under 22 Mag 281;
- v. One 9mm pistol, serial no.: P1655285, seized from the Defendant on or about December 15, 2021 in New York, NY;
- vi. Seven 9mm cartridges, seized from the Defendant on or about December 15, 2021 in New York, NY; and
- vii. One magazine, seized from the Defendant on or about December 15, 2021 in New York, NY;

(i. through vii., collectively, the “Specific Property”);

WHEREAS, the Consent Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Preliminary Order of Forfeiture further stated that the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Property was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) beginning on June 6, 2023, for thirty (30) consecutive days, through July 5, 2023, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on August 22, 2023 (D.E. 24);

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Specific Property have been filed;

WHEREAS, the Defendant is the only person and/or entity known by the government to have a potential interest the Specific Property; and

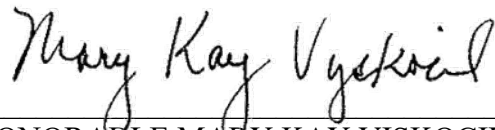
WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2).

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Specific Property is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Specific Property.
3. The United States Customs and Border Protection (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York  
August 22, 2023

SO ORDERED:

A handwritten signature in black ink, reading "Mary Kay Viskocil". The signature is written in a cursive, flowing style. The first name "Mary" is written with a large, looped 'M'. The last name "Viskocil" is written with a large, looped 'V' and a trailing flourish.

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HONORABLE MARY KAY VISKOCIL  
UNITED STATES DISTRICT JUDGE